

In re ) Fair Hearing No. 18,305  
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Appeal of )

The petitioner appeals the determination by the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying her application for Food Stamps. The issue is whether the Department correctly calculated the petitioner's Food Stamps in light of her family's income and allowable deductions. The facts are not in dispute.

1. The petitioner lives in a household of four persons, herself and her three children. The petitioner receives SSI benefits and her daughters each receive Social Security benefits. The total unearned income to the household from these sources is \$1,368 a month. In addition, the petitioner works part-time. As of the date of her application in this matter, January 3, 2003, the petitioner's gross income from employment was \$1,048 a month.

2. In determining the petitioner's eligibility the Department allowed the petitioner the maximum twenty percent deduction from her earned income, \$210, and the standard income deduction of \$134. Based on information provided by the petitioner the Department also allowed the maximum

available deductions (see infra) for child care, \$484, and excess shelter costs, \$56.

3. Based on the above calculations the Department determined that the petitioner's net income for Food Stamps was \$1,532. Under the regulations (see infra) this results in an allotment amount of \$6 for a four-person household. Since this is under the \$10 minimum payment, the Department determined that the petitioner was ineligible to receive Food Stamps.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp Regulations the amount of a household's monthly allotment is determined according to household income minus any applicable deductions. FSM § 273.9 et seq. All households are entitled to a standard deduction of \$134 (FSM § 273.9d[1] and Procedures Manual P-2590-A) and to an excess shelter deduction in the amount that their shelter costs exceed fifty percent of their income (FSM § 273.9d[5]). In addition, households with earned income are allowed a twenty percent deduction from their gross earnings (FSM § 273.9[d][2]) and a dependent care deduction up to a maximum prescribed by regulation (FSM § 273.9[d][4] and Procedures Manual 2590-A1).

As of January 2003 the petitioner's household was

receiving about \$2,416 a month in gross income. Even with all the above deductions the household's net income was \$1,532. Unfortunately, this is slightly more than the cutoff income figure of \$1,516 for a household of four persons to qualify for the \$10 a month Food Stamp payment minimum (Procedures Manual § P-2590-D).

When explained the bases of the Department's decision at the hearing the petitioner did not dispute either the income figures used by the Department or with the Department's calculations of her deductions and benefit amounts. She was advised that if her income decreased or her household or medical expenses increased<sup>1</sup> she should promptly reapply for benefits. However, inasmuch as the Department's decision appears to be in accord with the pertinent regulations it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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<sup>1</sup> At the hearing the petitioner alleged that she also incurs uninsured medical expenses of \$40 a month. The regulations allow a deduction for medical expenses in excess of \$35 a month (FSM § 273.9[d][3]). This additional \$5 a month deduction would not have altered the outcome in this matter.